

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #11	CCRB Case #: 201908065	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/05/2019 1:23 AM	Location of Incident: § 87(2)(b)	Precinct: 40	18 Mo. SOL 3/5/2021	EO SOL 10/20/2021	
Date/Time CV Reported Thu, 09/05/2019 2:16 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/12/2019 11:08 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Gerlich	08140	963536	044 PCT
2. POM Russell Crawford	14997	960400	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Thomas Gerlich	Abuse: Police Officer Thomas Gerlich stopped the vehicle in which § 87(2)(b) § 87(2)(b) was an occupant.	§ 87(2)(b)
B.POM Russell Crawford	Abuse: Police Officer Russell Crawford stopped the vehicle in which § 87(2)(b) § 87(2)(b) was an occupant.	§ 87(2)(b)
C.POM Thomas Gerlich	Abuse: Police Officer Thomas Gerlich threatened to arrest § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
D.POM Russell Crawford	Abuse: Police Officer Russell Crawford threatened to arrest § 87(2)(b) § 87(2)(b)	§ 87(2)(b)

## Case Summary

On September 5, 2019, § 87(2)(b) § 87(2)(b) filed this complaint over the phone with IAB, as reflected in IAB log 19-33899, garnered from original log 19-33324. On December 11, 2019, this case was reassigned from Inv. Benjamin Shelton to the undersigned investigator for closure.

On September 5, 2019, at approximately 1:23a.m., § 87(2)(b) § 87(2)(b) was driving a pickup truck installed with a dynamic crane that was towing another vehicle, headed southbound on the § 87(2)(b) in the Bronx. PO Thomas Gerlich and PO Russell Crawford, of the 44<sup>th</sup> Precinct, stopped the vehicle on the § 87(2)(b) (Allegations A and B: Abuse of Authority, § 87(2)(g) PO Gerlich and PO Crawford asked § 87(2)(b) for his license to operate a tow truck issued by the New York City Department of Consumer Affairs. § 87(2)(b) § 87(2)(b) told the officers that he did not have said license with him. PO Gerlich and PO Crawford both threatened to arrest § 87(2)(b) (Allegations C and D: Abuse of Authority, § 87(2)(g) § 87(2)(g)

No arrests were made and no summonses were issued during this incident.

The investigation obtained cell phone video from § 87(2)(b) § 87(2)(b) surveillance video from MTA Bridges and Tunnels, and two NYPD body-worn camera videos of the incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Thomas Gerlich stopped the vehicle in which § 87(2)(b) § 87(2)(b) was an occupant.**

**Allegation (B) Abuse of Authority: Police Officer Russell Crawford stopped the vehicle in which § 87(2)(b) § 87(2)(b) was an occupant.**

It is undisputed that PO Gerlich and PO Crawford stopped the vehicle that § 87(2)(b) § 87(2)(b) was driving.

§ 87(2)(b) § 87(2)(b) stated that when he asked the officers why they were pulling him over, PO Gerlich stated that § 87(2)(b) § 87(2)(b)'s rear brake light was not working (BR 01). § 87(2)(b) § 87(2)(b) pressed his brake and observed that the brake light was working correctly.

PO Gerlich and PO Crawford both stated that they chose to stop § 87(2)(b) § 87(2)(b) because the brake lights and turning signals on the tow truck did not correspond with the brake lights and turning signals on the towed vehicle (BR 02-03).

Surveillance video of the incident provided by MTA Bridges and Tunnels at 00:05 showed § 87(2)(b) § 87(2)(b)'s tow truck driving with a vehicle in tow (BR 04). The truck's brake lights were activated and no lights were activated on the vehicle in tow.

New York Vehicle and Traffic Law § 1164 (b) states that on a combination of vehicles, the rear signal lamps such as brake lights and turning signals must be displayed on the rearmost vehicle in the combination (BR 05).

§ 87(2)(b), § 87(2)(g)

**Allegation (C) Abuse of Authority: Police Officer Thomas Gerlich threatened to arrest**

§ 87(2)(b) § 87(2)(b)

**Allegation (D) Abuse of Authority: Police Officer Russell Crawford threatened to arrest**

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) stated that PO Gerlich told him that he needed a New York City Department of Consumer Affairs (DCA) license to operate a tow truck within city limits. PO Gerlich told § 87(2)(b) § 87(2)(b)

§ 87(2)(b) that if he did not have it, he could place him under arrest. § 87(2)(b) told PO Gerlich that he had a DCA license, but he had left it at home. § 87(2)(b) then had a similar back-and-forth with PO Crawford, during which PO Crawford told § 87(2)(b) multiple times that he would be arrested for not having a DCA license, and that he better have his license next time or PO Crawford would lock him up.

PO Gerlich stated that when he asked for § 87(2)(b) DCA license, § 87(2)(b) told him that he had left it in the pocket of a pair of pants that he had left at a friend's house. PO Gerlich never told § 87(2)(b) that he could "lock § 87(2)(b) up" for not having a DCA license or that he would lock him up the next time and did not recall whether PO Crawford ever did so. Before PO Gerlich left the scene, he told § 87(2)(b) "Don't let me see you again." PO Gerlich did not intend that statement as a threat. His intention was to communicate that he did not want to see § 87(2)(b) breaking the law again.

PO Crawford stated that one of the officers asked § 87(2)(b) for his DCA license. § 87(2)(b) told him that he had one but did not have it on his person. PO Crawford stated, "You better have one if you want to drive again." He stated that he meant that § 87(2)(b) needed to abide by the relevant laws, which was a statement of fact and not a threat of arrest. PO Crawford did not recall if he or PO Gerlich told § 87(2)(b) "could be locked up" or officers would "lock him up" next time if he did not have a DCA license.

PO Gerlich's body-worn camera footage at 23:04 showed PO Gerlich stating, "Don't let me see you again," to § 87(2)(b) (BR 06). § 87(2)(b) asked, "Is that a threat?" PO Gerlich, after a pause, stated, "Yup."

Rule of the City of New York §2-365 (a) states that every tow truck operator must have their tow truck operator's license in their possession while operating a tow truck for the purpose of towing (BR 07).

§ 87(2)(b), § 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- PO Gerlich has been a member of service for two years and has been subject of eight other allegations in three other CCRB complaints with no substantiations (see officer history). PO Gerlich's history does not present any pattern pertinent to the investigation.
- PO Crawford has been a member of service for three years and has been subject of nine other allegations in three other CCRB complaints with no substantiations (see officer history). PO Crawford's history does not present any pattern pertinent to the investigation.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
- On January 2, 2020, a request for any record of a Notice of Claim being filed regarding this complaint was sent to the New York City Office of the Comptroller. The response will be added to the case file upon receipt.

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature                      Print Title & Name                      Date

Squad Leader: \_\_\_\_\_  
Signature                      Print Title & Name                      Date

Reviewer: \_\_\_\_\_  
Signature                      Print Title & Name                      Date